

1 **MTN**

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11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 STEVE MCCRAE and THE LAW OFFICE)
15 OF DAVID SAMPSON, LLC.,)
16)
17 Plaintiffs,)

18 vs.)

Case No: 2-13-cv-858

19)
20)
21 SILMO MANAGEMENT CORPORATION,)
22 NEVADA SPINE CLINIC,)
23 NEVADA MEDICAID, LAS VEGAS)
24 PHARMACY, SMOKE RANCH SURGERY)
25 CENTER, MEDICARE, STEVE)
26 CARUSO, ESQ., NEVADA IMAGING,)
27 LIBERTY MUTUAL DOES I - X,)
28 and ROE CORPORATIONS I - X,)
inclusive,)
Defendants.)
_____)

MOTION FOR
SCHEDULING CONFERENCE

29 **MOTION FOR SCHEDULING CONFERENCE**

30 COMES NOW the Plaintiffs, STEVE MCCREA AND THE LAW OFFICE OF DAVID
31 SAMPSON, by and through DAVID F. SAMPSON, ESQ, of the LAW OFFICE OF DAVID
32 SAMPSON and hereby move, pursuant to LR 22-2 for a scheduling conference in this matter.
33
34 DATED THIS 2nd day of July, 2013.

POINTS AND AUTHORITIES

Pursuant to Local Rule 22-2 the Plaintiff is required to file a motion requesting a settlement conference in an interpleader action. The motion must be filed within 30 days after the first Defendant appears. Defendant Medicare files its Answer on June 6, 2013.

This action involves a settlement on behalf of Steve McCrae in an underlying claim in the amount of \$15,000.00, which was the full insurance policy limit applicable to the underlying claim. The funds are currently being held by the clerk of the Eighth Judicial District Court, State of Nevada. The Defendants have various claims to the said funds. Additionally, THE LAW OFFICE OF DAVID SAMPSON, LLC., had a claim for attorney fees and costs. Given the sums of monies to which the various parties claim they are entitled, it is clear \$15,000.00 is nowhere near sufficient to satisfy the liens asserted in this matter. This action was therefore filed.

It appears the only claimants which have any likelihood of collecting any portion of the \$15,000.00 policy limit are Mr. McCrae's attorneys, and Medicare. Plaintiff therefore recommends this action be resolved by paying McCrae's attorneys, and giving the balance of any monies to Medicare. In any event, a scheduling conference is necessary.

Plaintiffs sent notice of a settlement conference, and convened the same on July 2, 2013. Attending were David Sampson, Esq., for his office, Steven Caruso, Esq., for his office, and Troy Flake on behalf of Medicare. It was agreed by all who attended that the attorney's lien should be fully satisfied, and the remainder of the funds should be paid to Medicare. The parties will seek a stipulation from the Court for an Order regarding the same.

CONCLUSION

For the foregoing reasons Plaintiffs move for a scheduling conference, or in the alternative that the Court recognize the conference held on July 2, 2013.

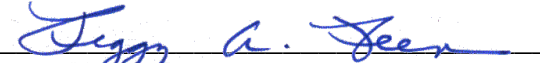
BY: //ss// *David Sampson*

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ORDER

IT IS ORDERED that the Motion for Status Conference is **GRANTED**, and a Status Conference is scheduled for **Thursday, August 15, 2013, at 8:30 a.m., in Courtroom 3B.**

Dated this 22nd day of July, 2013.


Peggy A. Leen
United States Magistrate Judge